

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Applicants respectfully traverse the 35 U.S.C. §102(b) rejection of claim 1 as being anticipated by U.S. Patent 4,688,169 to JOSHI. In particular, Applicants submit that this reference fails to at least disclose (or even suggest) Applicants' claimed feature of identifying data that identifies an external memory individually, or the feature of a removable external memory.

JOSHI discloses a security system that controls an operation of an application so as to prevent illegal use of the application. JOSHI compares a machine identification code, stored in a computer system that extracts the application and a program code, which is stored as part of the application in the application.

Based upon a review of JOSHI, Applicants submit that the machine identification code disclosed therein comprises a code that is capable of identifying each machine (i.e., computer system) individually. However, applicants submit that this differs from the identification data of Applicants' claim 1, which functions to identify an external memory individually.

Further, Applicants submit that JOSHI discloses that a program code is used for comparison with a machine identification code. However, although it is not specifically described, in view of the technology to be realized by JOSHI, Applicants submit that the program code is either a plurality of machine

identification codes for a plurality of machines capable of executing the applications program, or a master code that determines whether codes are permissible machine identification codes, commonly used for a plurality of machine identification codes. Applicants submit that this differs from Applicants' claimed identification data. Specifically, Applicants submit that each code in Joshi is not a code that differs for each of the external memories. Thus, even if these codes are stored in an external memory, Applicants submit that they are incapable of determining whether or not a different external memory is mounted, and thus, cannot display a message to notify that the different external memory has been mounted.

Moreover, JOSHI fails to disclose (or even suggest) that an external memory is capable of recording/reproducing recording data. In this regard, the Examiner appears to believe that the loading of a diskette through a disk I/O (see column 5, line 13 of JOSHI) is equivalent to Applicants' removable external memory. Applicants submit that such a conclusion is erroneous. In particular, claim 1 of Applicants' invention specifies that the external memory records data recorded by a digital recording and reproducing apparatus and also records identification data. Applicants submit that JOSHI fails to disclose that the computer system therein records an applications program or a machine identification code to the diskette. Thus, Applicants submit that the diskette of JOSHI can not be considered to be equivalent to Applicants' claimed external memory that is capable of recording data and identification data.

Further, Applicants submit that it would also be erroneous to attempt to assert that the RAM (see column 5, lines 13-15), onto which an application program stored on the diskette is loaded, is equivalent to Applicants' removable external memory, because the RAM is mounted on a circuit board of a computer system, and is generally non-removable.

In view of the above, Applicants submit that JOSHI fails to anticipate Applicants' invention, as defined by claim 1. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §102(b) rejection set forth against claim 1.

Applicants also respectfully traverse the Examiner's 35 U.S.C. §103(a) rejection of claim 1, 2, 5 and 8 as being obvious over U.S. Patent No. 6,446,177 to TANAKA et al.

The Examiner asserts that TANAKA discloses several embodiments that teach an identification data generating block and an internal memory that contains identification that is compared to an external memory's identification data for the purpose of copyright management. Applicants submit that the use of memory cards that employ an identification code, such as letter strings "A", "B" and "C", disclosed in embodiments 1, 2 and 3 of TANAKA, are not the same as Applicants' identification data capable of identifying an external memory individually. Therefore, Applicants submit that the teachings of TANAKA do not result in the recognition that a different external memory has been mounted, even if the letter strings "A", "B" and "C" are stored in the external memory, and

further, cannot display a message notifying that a different external memory has been mounted, as taught by Applicants' claimed invention.

Further, Applicants submit that employing a mark, as taught by embodiment 4 of TANAKA to identify normal/abnormal files differs from Applicants' identification data that is capable of identifying mediums individually. Additionally, it is submitted that embodiment 4 of TANAKA also fails to disclose or suggest displaying a message to notify that a different external memory has been mounted, as specified by Applicants' pending claims.

Applicants submit that embodiments 1 and 2 of TANAKA assumes that a memory card is sold with pre-stored data that requires protection. This differs from the digital recording and reproducing apparatus of Applicants' claims, which is directed to an apparatus capable of writing recording data and identification data in an external memory. Moreover, Applicants submit the dedicated terminal of embodiment 3 that records data, requiring protection, to a memory card merely records data to the memory card and is not equipped with a control block (as taught by Applicants' claimed invention) that determines whether or not identification data are identical to each other when a different memory card is mounted.

Applicants further submit that TANAKA also fails to at least teach or suggest that identification data identifies the external memory individually, or that a control block records identification data to the external memory and determines whether or not identification data are identical to each other. Accordingly,

TANAKA is submitted to differ from the invention defined by Applicants' pending claims.

In view of the above, Applicants submit that it would not have been obvious to employ the teachings of TANAKA to arrive at the presently claimed invention, as such a system would lack at least Applicants' claimed features of identification data that identifies an external memory individually, a control block that records identification data to the external memory to determine whether identification data are identical to each other, or displaying a message that notifies that a different external memory has been mounted when the identification data are different from each other. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §103(a) rejection of claims 1, 2, 5 and 8.

Applicants further respectfully traverse the 35 U.S.C. §103(a) rejections of claims 3, 4, 6, 7, and 9-16 set forth by the Examiner, submitting that neither U.S. Patent 6,631,427 to KUBO or U.S. Patent 6,038,199 to PAWLOWSKI et al. disclose that which is lacking from TANAKA et al. Specifically, Applicants submit that neither KUBO or PAWLOWSKI et al. discloses or suggests generating identification data that individually identifies an external memory or carries out an identification data determination process to determine whether the identification data recorded to an external memory and the identification data recorded in an internal memory are identical to each other when the external memory is mounted, and for displaying a message that notifies that a different external

memory has been mounted when the identification data are different from each other. Accordingly, Applicants submit that even if one attempted to combine the teachings of TANAKA et al.; KUBO; and PAWLOWSKI et al. in the various combinations suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would at least lack the above-discussed features. Accordingly, Applicants respectfully request that the 35 U.S.C. §103 rejections set forth against claims 3, 4, 6, 7, and 9-16 be withdrawn.

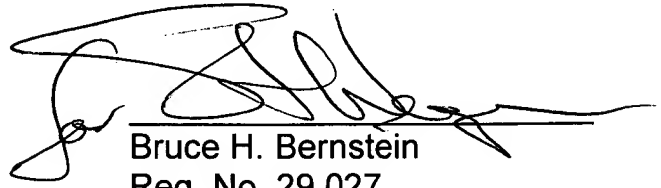
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application is respectfully requested and is believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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